

FILED

APR 12 2017

Clerk, U.S. District Court
District Of Montana
Billings

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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff/Respondent,
vs.

LARRY DARVELL HENRICKS,
Defendant/Movant.

Case No. CR-94-38-BLG-SPW

**STIPULATION AND ORDER TO
AMEND PREVIOUSLY-ENTERED
JUDGMENT**

This matter is before the Court on Defendant/Movant's motion to vacate or correct his sentence pursuant to 28 U.S.C. § 2255 and *Johnson v. United States*, 135 S. Ct. 2551 (2015). Although the United States does not concede the merits of the Defendant's motion, given the length of the remaining sentence in this case, the parties agree that it is in the interests of justice and resource economy to resolve this matter, without precedential value in any other case, as follows: the parties agree

that the judgment in this case should be amended to reduce the term of imprisonment from 420 months to time served. The parties further agree that all other aspects of the previously imposed judgment and commitment order, including the terms and conditions of supervised release, should remain the same.

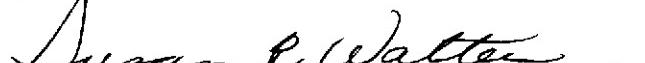
The Defendant has consulted with counsel and agreed to waive his right to a re-sentencing hearing and allocution, and any right he may have to be present for the amendment of his sentence, and stipulates to the provisions above.

Based on the foregoing, and the Court concurring.

IT IS HEREBY ORDERED that an amended judgment and commitment order shall be prepared and entered in accordance with the stipulation of the parties, deleting the previously imposed term of 420 months incarceration, and replacing it with a sentence of time served. All other aspects of the judgment and commitment order previously entered in this case, including the term and conditions of supervised release, shall remain in full force and effect.

Based on the agreement of the parties, this Order will not serve as precedential authority in any other case.

DATED this 12th day of April, 2017.



SUSAN P. WATTERS
UNITED STATES DISTRICT JUDGE

Presented upon agreement of the parties by:


DAVID F. NESS
for: Assistant Federal Defender
Counsel for Defendant/Movant

LEIF M. JOHNSON
Acting United States Attorney


LORI A HARPER SUEK
Assistant United States Attorney
Counsel for the United States